

O'Toole + O'Toole PLLC

Counsel to Plaintiff Marianne T. O'Toole, Chapter 7 Trustee

22 Valley Road

Katonah, New York 10536

Tel. (860) 519-5805

Andrew D. O'Toole, Esq.

Marianne T. O'Toole, Esq.

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

In re:

Chapter 7

BRADLEY C. REIFLER,

Case No.: 17-35075 (CGM)

Debtor.

MARIANNE T. O'TOOLE, AS CHAPTER 7
TRUSTEE OF THE ESTATE OF BRADLEY
C. REIFLER,

Plaintiff,

– against –

Adv. Pro. No.: 19-9003 (CGM)

BRADLEY REIFLER, NANCY REIFLER,
LISETTE ACKERBERG and/or John Doe No.
1 and 2, as Trustee of the ACKERBERG
IRREVOCABLE TRUST FBO KELSEY
REIFLER; BRADLEY REIFLER, NANCY
REIFLER, LISETTE ACKERBERG and/or
John Doe No. 3 and 4, as Trustee of the
ACKERBERG IRREVOCABLE TRUST FBO
COLE REIFLER; BRADLEY REIFLER,
NANCY REIFLER, LISETTE ACKERBERG
and/or John Doe No. 5 and 6, as Trustee of the
ACKERBERG IRREVOCABLE TRUST FBO
PAIGE REIFLER; BRADLEY REIFLER,
NANCY REIFLER and/or John Doe No. 7 and
8, as Trustee of the BRADLEY C. REIFLER
CHILDREN'S TRUST; BRADLEY
REIFLER, NANCY REIFLER and/or John

Doe No. 9 and 10, as Trustee of the
BRADLEY REIFLER CHILDREN'S TRUST
NO. 1; KELCOP LP; KELCOP FAMILY LLC
a/k/a KELCOP LLC; NANCY REIFLER,
KELSEY REIFLER; COLE REIFLER; EGIAP
LLC; POCLEK, LLC; LISETTE
ACKERBERG, and JOHN DOES 11-20,

Defendants.

-----x

**DECLARATION OF ANDREW D. O'TOOLE, ESQ., PURSUANT TO FEDERAL
RULE OF CIVIL PROCEDURE 37(A)(5), IN SUPPORT OF EXPENSES
INCURRED IN CONNECTION WITH THE MOTION TO COMPEL
AGAINST THE FAMILY DEFENDANTS**

Pursuant to 28 U.S.C. § 1746, ANDREW D. O'TOOLE, ESQ., declare, under penalty
for perjury, the following:

1. I am a member of the firm O'Toole + O'Toole, PLLC, attorneys for the Plaintiff,
Marianne T. O'Toole, as Chapter 7 Trustee (the "Trustee") of the estate of Bradley C. Reifler
(the "Debtor"). As such as I am familiar with the facts and circumstances of this case and the
matters set forth in this Declaration.

2. Pursuant to an Order dated October 31, 2019, the law firm of O'Toole + O'Toole
PLLC was directed to "submit a declaration within seven (7) days of this Order itemizing the
attorneys' fees incurred by the Trustee in connection with this Motion." [ECF No. 40.]

3. To date, O'Toole + O'Toole PLLC has spent 23.20 hours in connection with the
motion to compel discovery from Defendants Bradley Reifler and Nancy Reifler, as Trustee of
the Ackerberg Irrevocable Trust FBO Kelsey Reifler, the Ackerberg Irrevocable Trust FBO Cole
Reifler, the Ackerberg Irrevocable Trust FBO Paige Reifler, the Bradley Reifler Children's
Trust, and the Bradley Reifler Children's Trust No. 1; KELCOP LP; KELCOP FAMILY LLC
a/k/a KELCOP LLC; Nancy Reifler; Kelsey Reifler; Cole Reifler; EGIAP LLC; and POCLEK,

LLC (the “Family Defendants”) and expended \$154.50 for its reasonable and necessary out-of-pocket expenses in connection therewith. Attached as Exhibit A is a copy of O’Toole + O’Toole PLLC’s time sheets reflecting the time spent and out of pocket expenses paid by O’Toole + O’Toole PLLC.

4. Based on O’Toole + O’Toole PLLC’s customary billing rates (as reflected in Exhibit A), the value of the services rendered by O’Toole + O’Toole PLLC to the Trustee, in filing the motion to compel against the Family Defendants is \$9,804.00 and O’Toole + O’Toole PLLC expended the sum of \$154.50 for out of pocket expenses, for a total of \$9,958.50.

WHEREFORE, I respectfully request the Court issue an Order (Exhibit B is a proposed Order) directing Defendants Bradley Reifler and Nancy Reifler, as Trustee of the Ackerberg Irrevocable Trust FBO Kelsey Reifler, the Ackerberg Irrevocable Trust FBO Cole Reifler, the Ackerberg Irrevocable Trust FBO Paige Reifler, the Bradley Reifler Children’s Trust, and the Bradley Reifler Children’s Trust No. 1; KELCOP LP; KELCOP FAMILY LLC a/k/a KELCOP LLC; Nancy Reifler; Kelsey Reifler; Cole Reifler; EGIAP LLC; and POCLEK, LLC to pay O’Toole + O’Toole PLLC not less than \$9,958.50 in accordance with Federal Rule of Civil Procedure 37(a)(5) , and grant such other and further relief as is just and proper.

Dated: Katonah, NY
November 6, 2019

By: /s/ Andrew D. O’Toole
Andrew D. O’Toole, Esq.

O’Toole + O’Toole PLLC
Counsel to Plaintiff Marianne T. O’Toole, as Trustee
22 Valley Road
Katonah, NY 10536
Tel. (914) 232-1511
Email aotoole@otoolegroup.com